

March 2, 2005

Harbro Sales & Service, Inc.  
P.O. Box 578  
546 Providence Rd.  
Linwood, MA 01525

Re: Harbro Rebuttal to Choice One Limited Discontinuance - WC Docket No. 05-38

Re: WC Docket No. 05-38  
Comp. Pol. File No. 696

Dear Ms. Marlene H. Dortch,

I am writing this letter on behalf of Harbro Sales & service, Inc. as a rebuttal to Choice One's recent posting. This letter is in addition to the two previous responses that we have made on this subject...the first letter was mailed by certified mail to the FCC on 1/20/05 and the second letter was uploaded to the FCC website on 2/24/05...copies of both accompany this letter as attachments. The next three pages of this letter is a copy of the recent Choice One posting with Harbro's rebuttals in blue text. Please contact me if you have any questions regarding any information contained in this letter or for any information that may be of assistance in your review of this case. Thank you in advance for your fairness and understanding in this matter.

Sincerely,  
Jason Malo  
Harbro Sales & Service, Inc.  
[jasonm@harbroauto.com](mailto:jasonm@harbroauto.com)  
Phone: 508-234-6767

**Dana Frix**

**direct tel** (202) 974-5691

**facsimile** (202) 974-6791

dfrix@chadbourne.com

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**Via Electronic Filing**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: Choice One Limited Discontinuance - WC Docket No. 05-38

Dear Ms. Dortch:

This letter is filed on behalf of Choice One Communications of Connecticut Inc., Choice One Communications of Massachusetts Inc., Choice One Communications of New York Inc., and Choice One Communications of Pennsylvania Inc. (collectively "Choice One"). On January 26, 2005 Choice One filed a Section 63.71 Application for Authority to Discontinue Service to a Limited Number of Customers.

The Public Notice in this matter requested that comments be filed by February 15, 2005. A comment was filed out of time by Harbro Sales & Service, Inc. on February 24, 2005. (This comment is inaccurate! Harbro received the first official notice from Choice One on 1/10/05. The letter, which was dated 1/7/05, required that any objections be mailed, within 15 days of receipt of the notification, to the Federal Communications Commission, Washington, DC 20554, referencing the 63.71 Application of Choice One Communications of Massachusetts Inc. Our objection was mailed certified mail to the FCC on 1/20/05....IN TIME!! The letter from Harbro, entitled "Comments/Motion for Extension of Time" which was posted on the FCC website on 2/24/05 was an updated version of the original letter, posted upon the request of Rodney McDonald of the FCC!) It requested that Choice One's discontinuance date (March 15, 2005) be extended until such time as Harbro is able to obtain substitute service from Verizon, which service Harbro indicated it expected to have on or about April 6, 2005.

This is to advise the Commission that Choice One has no objection to continuing to provide service to Harbro until April 6. Over the past month Choice One has offered to continue to provide such service to Harbro. Choice One provides two types of service to Harbro: T-1 service and 4 POTS lines. In order to continue to provide these services Choice One will need to groom its network so that the T-1 service will be pointed to a

Choice One collocation cage other than the one which currently serves Harbro. This will be done during the evening when Harbro is closed and thus any changes will be entirely transparent to Harbro. (This is different information than that which was given to us verbally by Dave Hayes from Choice One. Dave proposed a similar solution, which he said was a temporary fix and that it would require that Harbro have our phone technician on hand for the changeover and there was no mention of performing the switchover after hours!!) With regard to the POTS lines, those lines are currently served by UNE loops which connect to the Choice One collocation site that will be discontinued. Three of the POTS lines are in Harbro's main offices, and thus, in order to continue to provide service to Harbro Choice One will need to connect Harbro's telephone equipment to the T-1 already being provided to Harbro. A Choice One technician can accomplish this with a 15-30 minute service call. (Is this service call the one that Dave was speaking about?) Each line will be individually transferred, meaning that Harbro will not lose service during the service call. A fourth POTS line is apparently in a different building, and Choice One is conducting a site survey to determine how best to continue to provision that service, possibly via a resold Verizon line. Choice One will make these arrangements without additional cost to Harbro. For reasons unclear to Choice One, Harbro has rejected these arrangements. That rejection is unreasonable and accordingly Choice One requests that the Commission reject Harbro's late filed comments and its request for an extension of time or, in the alternative, find that Choice One's proposed solution discussed above consistent with the Commission's discontinuance rules and the public interest.

Frankly, Choice One is puzzled by Harbro's apparent refusal to deal with Choice One on this matter. Harbro failed to respond to telephone calls initiated by Choice One between January 18 and February 10, 2005. It has refused Choice One's offer to continue service as described above. (I would like to know the dates of these apparent calls, the name(s) of the Choice One representative(s) that supposedly made these calls and the name(s) of the Harbro employee that supposedly refused them ...to my knowledge, our office received NO calls that were refused. To the contrary, we have been waiting for calls from Choice One regarding working together to come to a mutually agreeable solution to this situation and also several other unresolved issues pertaining to credits that Choice One owes Harbro for service outages in early 2004. We are the ones who should be puzzled!! As mentioned in our two previous letters, we had approached Choice One in November to request their approval to switch our services to a different carrier due to our decision to upgrade our phone system to VoIP. The new system would require an extremely stable connection between our two locations and we weren't confident that Choice One would be able to provide the level of stability that would be required based on their poor service in the past, including quite a few service outages during the first 6 months of 2004. Choice One wouldn't allow us to cancel our service unless we paid a cancellation fee of \$3943!! They wasted almost two months of our time and labor in negotiating to stay with them as a carrier and NOW, Choice One is FORCING us out of the contract on their timeframe and they haven't offered us any compensation for our troubles! To top it all off, we are still waiting for credits to our account for the service outages that we experienced! In conclusion, we feel that we are being more than fair in our efforts to find an alternate service provider for our phone services and that if it hadn't been for Choice One wasting two months of our time, we would have already had our

services switched! We feel that Choice One is acting selfishly to only protect their own interest and has shown blatant disregard for the well being of our business. We are currently in the final stages of signing contracts with Verizon and we are requesting that our original request for an extension be granted until April 6, 2005. Thank you in advance for your fair handling of this matter.) Its comments were not mailed to Choice One. (There were no instructions in the Choice One letter that requested a copy be mailed to them.) Choice One regrets its inability to continue to serve Harbro, but believes that its willingness to continue to service Harbro until a reasonable alternative can be provisioned satisfies the Commission's discontinuance rules.

Respectfully submitted,



Dana Frix  
Kemal Hawa  
Chadbourne & Parke LLP

Counsel for Choice One

cc: Mr. Rodney McDonald (via email)  
Elizabeth J. McDonald, Esq.

